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Date: Tue, 11 Nov 2008 20:58:53 -0800

Subject: The Tetris Company and User Interface Copyright: Valid?

Tom,

I just read your article Against User Interface Copyright from October 1991, and I thought it was insightful and inspiring. I am emailing now because I am in the midst of creating a Tetromino game on the iPhone platform. Unfortunately, I began doing some research about the Tetris Company LLC, and discovered a series of cases in which the Tetris Company intimidated five developers (who released Tetromino games) in the past three months to remove their applications from the Appstore (Kafablo, Shaker, TetoTeto, Tris, and Touchris). I have contacted the developers of Kafablo and Tris in order to get transcripts of the Cease and Desist letters from the Tetris Company. In one of these letters, the Tetris Company claims copyright infringement on

"(The copyrightable features of the TETRIS game, as covered by the copyright registration, includes) the downward, lateral, and rotating movements of the differently oriented four-brick playing pieces, and the shape and appearance of the four-brick playing pieces, both in the "dots" that appear within the individual bricks themselves, as well as in the configuration of the four-brick combinations comprising the playing pieces. Additional copyrighted features include: the scoring features, the feature displaying the next four-brick playing piece that will fall down the playing field matrix, the disappearance of any completed horizontal row, the subsequent consolidation of the playing pieces remaining on the playing field as a result of the downward shift into the space vacated by the disappearing row, the resulting score, the background music, the specific sounds generated as the four-brick playing pieces are rotated, and the sounds generated as a row is completed and points are earned. Further, the makeup of the playing field itself, i.e., the vertical matrix, higher than it is wide, with a base of ten individual "bricks" per horizontal row, and generally twenty individual "bricks" per vertical line, is also copyrightable expression."

However, I have been to the US Copyright Office's post on games, which clearly states that,

"Copyright protection does not extend to any idea, system, method, device, or trademark material involved in the development, merchandising, or playing of a game. Once a game has been made public,

nothing in the copyright law prevents others from developing another game based on similar principles."

How then, has the Tetris Company managed to hold such a monopoly on Tetromino games based on its copyright? I have read many conflicting articles about "look and feel", idea" versus "expression of an idea," and "user interface" as they relate to copyright, and have to admit, I have lost my mind in the specific details.

Does the current US Copyright cover "the user interface" of a game? Is this perhaps why the Tetris Company has prevailed? Or has simple bullying prevailed?

I am writing to ask if you know of any recent changes that have been made regarding user interface copyright. Or if you could direct me to someone who might be interested to discuss these issues? Also, throughout your involvement in the League for Programming Freedom, have you come in contact with Tetromino game developers, or IP lawyers who would be willing to lend an ear?

Thank you so much for your time. Again, I thoroughly enjoyed your article, and I look forward to hearing from you,

Desiree Golen